

Docket No.: 320528626US2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yuan-Kun Hsiao

Confirmation No. 3003

Application No.: 10/709,004

Art Unit: 2611

Filed: April 7, 2004

Examiner: H. Singh

For: WOBBLE CLOCK GENERATOR AND
DRIVING METHOD THEREOF

APPLICATION FOR PATENT TERM ADJUSTMENT RECONSIDERATION
UNDER 37 C.F.R. § 1.705(D)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests reconsideration of the patent term adjustment indicated in the Issue Notification of April 15, 2009.

(1) Applicant is including the fee set forth in 37 C.F.R. § 1.18(e). Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 320528626US from which the undersigned is authorized to draw.

(2) Statement of Facts

(i) Correct Patent Term Adjustment and Bases for Adjustment

The correct patent term adjustment is 1286 days. The PTO's calculated patent term adjustment is 617 days. Applicant is entitled to an additional 669 days of patent term adjustment.

The PTO failed to properly account for the delay under 35 U.S.C. § 154(b)(1)(A), referred to as the "A delay." The A delay is 715 days.

The PTO failed to properly account for the delay under 35 U.S.C. § 154(b)(1)(B), referred to as the "B delay." The B delay is 759 days.

The PTO failed to properly account for the overlap under 35 U.S.C. § 154(b)(2)(A) in the A delay and the B delay. The overlap is 46 days.

The PTO properly accounted for the reduction in patent term adjustment under 35 U.S.C. § 154(b)(2)(C). The reduction is 142 days.

The correct patent term adjustment is the sum of the A delay and the B delay minus the overlap and minus the reduction. Thus, the correct patent term adjustment is $715+759-46-142$, which is 1286 days.

(ii) Relevant Dates

A Delay		
Filing Date + 14 Months	06/07/2005	↓
First Office Action	05/23/2007	715
Total		715

B Delay		
Filing Date + 3 Years	04/07/2007	↓
Request for Continued Examination	05/05/2009	759
Total		759

Overlap		
36-Month Date	04/07/2007	↓
First Office Action	05/23/2007	46
Total		46

Reduction		
Office Action	10/30/2007	↓
Reply	03/31/2008	61
IDS after Office Action	10/29/2007	81
Total		142

(iii) Terminal Disclaimer

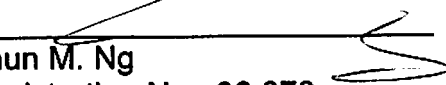
The patent is not subject to a terminal disclaimer.

(iv) Failure to Engage in Reasonable Efforts

Applicant is not contesting the reduction in patent term adjustment of 0 days as accounted for by the PTO that are "deemed" to be a failure to engage in reasonable efforts under 37 C.F.R. § 1.704. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application under 37 C.F.R. § 1.704.

Dated: July 6, 2009

Respectfully submitted,

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